

Board Members

James J. Cox, Ed.D.
Chairperson
Miki Paul, Ph.D.
Vice-Chairperson
Gary D. Lovejoy, Ph.D.
Secretary
Melissa Del-Colle
Ramona N. Mellott, Ph.D.
Joseph C. Donaldson
Byron N. Rimm
Maryann Santos de Barona, Ph.D.
Fred Wiggins, Ph.D.



State of Arizona Board of Psychologist Examiners

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Staff

Maxine McCarthy
Executive Director

Marcus E. Harvey
Deputy Director

Korena Schaaf
Investigator

Shari S. Courtney
Administrative
Assistant

REGULAR SESSION MINUTES

Friday, April 7, 2006

1400 West Washington
Basement Conference Room, #B-1
Phoenix, AZ 85007

1. CALL TO ORDER

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Chairperson Cox at 10:03 a.m. on Friday, April 7, 2006. Three Executive Sessions were held from 10:16 a.m. to 10:26 a.m., from 11:15 a.m. to 11:31 a.m., and from 1:55 p.m. to 2:05 p.m. for the purpose of obtaining confidential legal advice from the Board's attorney.

2. ROLL CALL

Board Members Present

James J. Cox, Ed.D. – Chairperson
Miki Paul, Ph.D. – Vice-Chairperson
Gary D. Lovejoy, Ph.D. – Secretary
Melissa Del-Colle
Joseph C. Donaldson
Ramona N. Mellott, Ph.D.
Byron N. Rimm
Maryann Santos de Barona, Ph.D.¹
Fred Wiggins, Ph.D.

Board Members Absent

None

Staff Present

Maxine McCarthy, Executive Director
Marcus Harvey, Deputy Director
Korena Schaaf, Investigator
Shari Courtney, Administrative Assistant

Attorney General's Office

Elizabeth Campbell, Esq.
Assistant Attorney General

Solicitor General's Office²

Victoria Mangiapane, Esq.
Assistant Attorney General

3. REMARKS/ANNOUNCEMENTS

Chairperson Cox welcomed and introduced Melissa Del-Colle to the Board who was appointed as a public member by the Governor to replace Manuel Delgado. Dr. Cox then presented a plaque to Dr. Santos de Barona, recognizing her two years as Board Chairperson. Dr. Santos de Barona then had remarks, thanking the Board.

Dr. Cox next stated that documentation was available for licensees who wished to receive continuing education credit for attending Board meetings and explained the procedures for

¹ Present until 3:46 p.m.

² Present only for Agenda item nos. 8 and 9.

documenting the attendance and announced that anyone was welcome to complete a Board meeting assessment survey.

4. APPROVAL OF MINUTES

- **Regular Session – February 3, 2006** – A motion was made by Dr. Lovejoy, seconded by Dr. Paul, and carried (7-0-2), with Dr. Santos de Barona and Ms. Del-Colle abstaining, to approve the February 3, 2006 Regular Session minutes.
- **Executive Session – February 3, 2006** – A motion was made by Mr. Donaldson, seconded by Dr. Paul, and carried (7-0-2), with Dr. Santos de Barona and Ms. Del-Colle abstaining, to approve the February 3, 2006 Executive Session minutes.
- **Conference Call Regular Session – February 9, 2006** – A motion was made by Dr. Lovejoy, seconded by Mr. Donaldson, and carried (7-0-2), with Mr. Rimm and Dr. Santos de Barona abstaining, to approve the February 9, 2006 Conference Call Regular Session minutes.
- **Conference Call Regular Session – February 16, 2006** – A motion was then made by Dr. Paul, seconded by Dr. Mellott, and carried (6-0-3), with Drs. Lovejoy and Santos de Barona and Mr. Rimm abstaining, to approve the February 16, 2006 Conference Call Regular Session minutes.
- **Conference Call Regular Session – March 3, 2006** – A motion was made by Mr. Donaldson, seconded by Dr. Lovejoy, and unanimously carried (9-0), to approve the March 3, 2006 Conference Call Regular Session minutes.
- **Conference Call Executive Session – March 3, 2006** – A motion was made by Dr. Santos de Barona, seconded by Dr. Mellott, and unanimously carried (9-0), to approve the March 3, 2006 Conference Call Executive Session minutes.
- **Conference Call Regular Session – March 10, 2006** – A motion was made by Dr. Mellott, seconded by Dr. Santos de Barona, and carried (6-0-3), with Ms. Del-Colle and Drs. Lovejoy and Wiggins abstaining, to approve the March 10, 2006 Conference Call Regular Session minutes.
- **Conference Call Regular Session – March 15, 2006** – A motion was made by Dr. Wiggins, seconded by Dr. Paul, and carried (6-0-3), with Ms. Del-Colle, Mr. Rimm, and Mr. Donaldson abstaining, to approve the March 15, 2006 Conference Call Regular Session minutes.
- **Conference Call Regular Session – March 16, 2006** – A motion was made by Mr. Rimm, seconded by Dr. Santos de Barona, and carried (6-0-3), with Mr. Donaldson, Ms. Del-Colle, and Dr. Paul abstaining, to approve the March 16, 2006 Conference Call Regular Session minutes.

5. CALL TO THE PUBLIC

Chairperson Cox gave the public the opportunity to address the Board at this time but no one wished to speak.

6. CASE DISCUSSION/DECISION

a) Jay Heisler, Ph.D. – No. 06-03

Ms. Schaaf summarized the allegations for the Board and answered members' questions. Board members proceeded to discuss the case after which Dr. Paul made a motion, seconded by Mr. Rimm, which carried (7-2), with Drs. Lovejoy and Mellott voting no, to offer Dr. Heisler a consent agreement, finding him in violation of A.R.S. 32-2061(A)(13)(n), and agreeing that he would not renew his license, not practice psychology in Arizona, and to not reapply for licensure for at least 10 years. If Dr. Heisler declined to accept the consent agreement, he would be invited to an informal interview before the Board.

7. DISCUSSION/DECISION REGARDING APPROVAL OF TREATMENT PROGRAM REQUIRED UNDER BOARD ORDER 04-27 AND 05-22 – DAVID POOL, Psy.D.

This item was tabled to a future Board meeting at the request of the licensee.

8. HEARING ON DENIAL OF LICENSE APPLICATION – TRACY HEINZ, Psy.D.

Dr. Cox announced that it was time and place for the hearing on denial of licensure of the application of Tracy Heinz, Psy.D. Dr. Heinz was present with her attorney, Larry Cohen, Esq., who introduced themselves as did Board members and Staff. Ms. Campbell was present representing the State, and Victoria Mangiapane, Esq. was present from the Solicitor General's Office, as legal counsel for the Board. A court reporter was present and the transcript shall serve as the official record of the proceeding. Ms. Campbell informed that Board that she and Mr. Cohen met briefly before the hearing and wished to stipulate that Dr. Heinz agreed that she failed to meet the face-to-face, individual supervision requirement of A.R.S. § 32-2071(E)(6). Mr. Cohen then made an opening statement to the Board, after which Ms. Campbell also made an opening statement. Mr. Cohen called Mr. Harvey as a witness, who was sworn in by the court reporter. Mr. Harvey answered questions from Mr. Cohen followed by questions from Ms. Campbell. Dr. Heinz was then also called as a witness, sworn in by the court reporter, and answered questions from her attorney and members of the Board. Mr. Cohen then made a closing statement to the Board, followed by a closing statement from Ms. Campbell. Board members proceeded to deliberate. A motion was made by Dr. Lovejoy, seconded by Mr. Rimm, to move into Executive Session for the purpose of obtaining confidential legal advice from the Board's attorney.

Upon return to open session, Board members resumed deliberations. A motion was made by Dr. Paul, seconded by Mr. Rimm, and unanimously carried (9-0), to uphold the denial of Dr. Heinz. Dr. Lovejoy made a motion, seconded by Mr. Donaldson, and unanimously carried (9-0), to adopt findings of fact and conclusions of law in that she did not demonstrate that she met the statutory requirement of A.R.S. § 32-2071(E)(6).

9. HEARING ON DENIAL OF LICENSE APPLICATION – ROSEMARY McHUGH, Psy.D.

Dr. Cox announced that it was time and place for the hearing on denial of licensure of the application of Rosemary McHugh, Psy.D. Dr. McHugh was present and introduced herself as did Board members and Staff. Ms. Campbell was present representing the State, and Victoria Mangiapane, Esq. was present from the Solicitor General's Office, as legal counsel for the Board. A court reporter was present and the transcript shall serve as the official record of the proceeding. Dr. Cox explained the procedures for the hearing after which Dr. McHugh made an opening statement to the Board. Ms. Campbell also made an opening statement after which Dr. McHugh was sworn in by the court reporter. Dr. McHugh entered exhibits into evidence after which Ms. Campbell then questioned Dr. McHugh. Ms. Campbell called Mr. Harvey as a witness and he was reminded that he was still under oath. Mr. Harvey answered Ms. Campbell's questions, after which Dr. McHugh made a closing statement to the Board. Ms. Campbell then made a closing statement to the Board, followed by a response from Dr. McHugh.

Board members then proceeded to deliberate. A motion was made by Dr. Lovejoy, seconded by Dr. Wiggins, and unanimously carried (8-0-1), with Dr. Santos de Barona no longer present, to uphold the denial of licensure to Dr. McHugh and to adopt findings of fact and conclusions of law in that she did not demonstrate that she met the statutory requirements of A.R.S. §§ A.R.S. § 32-2071.01(A)(1); 32-2071(A); 32-2071(A)(4)(a), (c), and (d); 32-2071(A)(6); 32-2071(C), (D), (E); and 32-2071(H)(3). The Board found that the applicant met her burden to demonstrate that she completed coursework to fulfill the individual assessment and cognitive-affective basis of behavior courses.

10. MID-AFTERNOON BREAK

11. COUNSEL REPORTS – Litigation – Discussion/Decision Regarding:

- **Kalas v. Board – CV2004-0200** – Ms. Campbell explained that Dr. Kalas’ attorney had propounded interrogatories on the Board. A motion was made by Mr. Donaldson, seconded by Dr. Lovejoy, and unanimously carried (9-0), to move into Executive Session for the purpose of obtaining legal advice from the Board’s attorney.

12. EXECUTIVE DIRECTOR’S REPORT

- **Financial** – Ms. McCarthy reported that at the end of February, which was eight months into this fiscal year, the Board had spent only 57%, meaning that the Board was in good shape regarding its budget. She stated that she should know by the June Board meeting what next year’s appropriation would be.
- **Update – Legislative Issues** – Ms. McCarthy then informed the Board that its legislation, Senate Bill 1080, had passed the Senate and the House and was signed by the Governor. The Legislation would become effective 90 days after the Legislature adjourns.

Ms. McCarthy then reported that HB2413, which was formerly HB2716, relating to judicially-appointed health professionals, was not going forward any longer this session, but that she had heard that there may be some stakeholder meetings held this summer to address the issues associated with the legislation.

Finally, Ms. McCarthy reminded the Board that it had voted to oppose HB2786 “medical records; health professionals” in its original form as it would have placed an undue burden on health care providers to know whether or not a person or entity receiving records was in compliance with federal and state laws and because it would place an undue burden on boards to take custody of abandoned records.

The bill had been amended, Ms. McCarthy reported, to remove the requirement that boards have to take custody of abandoned records. It now requires health care professionals to prepare written protocols for the secure storage, transfer and access of patient records and specifies minimum requirements for the protocols. The bill classifies failure to develop the protocols as unprofessional conduct, Ms. McCarthy continued, and will require licensees to indicate whether they have developed the protocols when they apply for license renewal and gives boards the power to take corrective action regarding this issue. Ms. McCarthy stated that as of April 6th, the bill had passed the House but had not yet been heard by the Senate Rules Committee, and promised to keep the Board posted on the progress of the legislation.

13. LICENSING REPORT

- **New Licenses Issued** – Mr. Harvey reported that the Board had licensed the following 11 psychologists since the February 3, 2006 meeting, one of them by credential:

3774	Cynthia Olvey, Psy.D.	3780	Lynette Small, Psy.D.
3775	Jeanine Copperstone, Ph.D.	3781	Heath Kilgore, Psy.D.
3776	Marta DeSoto, Ph.D.	3782	Bruce Leininger, Ph.D.
3777	Bruce Allen, Ph.D.	3783	Mary Ann Thirakul, Psy.D.
3778	Jennifer Lafferty, Ph.D.	3784	Linda Cunningham, Ph.D.
3779	Virginia Lawrence, Ph.D.		

Mr. Harvey reported that the Board had issued 23 new licenses this year, which compared to 17 application received by this time last year was the same amount that the Board had issued by this time last year.

- **EPPP Results** – Mr. Harvey then reported that the following eight applicants had passed the Examination for Professional Practice in Psychology in February and March, with four failing:

<u>Pass</u>	
Linda Cunningham, Ph.D.	Virginia Lawrence, Ph.D.
Kristin Day-Hardwig, Psy.D.	Susan Patrick, Psy.D.
Kristi Fuller, Psy.D.	Jennifer Serlin, Ph.D.
Heath Kilgore, Psy.D.	Lynette Small, Psy.D.

Fail

Toni Brucato, Psy.D.
Katrina Buwalda, Psy.D.

Holly Mihaescu, Psy.D.
Shakira Simmons, Psy.D.

- **New Applications** – Mr. Harvey reported that the Board had received 9 new applications and 7 re-applications over the last two months. This made a total of 28 applications received this year, which compared to 19 total applications received by this time last year.

14. INVESTIGATIONS REPORT

- **New Cases Received** – Ms. Schaaf reported that the Board had received 11 new cases so far this year, five of which were received since the February Board meeting. This compared to 10 cases received by this time last year.
- **Cases Resolved** – Ms. Schaaf next reported that 12 cases had been resolved this calendar year, which compared to 12 cases resolved by this time last year. Seven of these cases had been resolved since the February Board meeting. The average number of days to resolve cases was 58 this year, compared to 97 days last year.
- **Board Orders Terminated** – Finally, Ms. Schaaf reported that Scott Storm, Psy.D., who was placed on a rehabilitation order by the Board on June 16, 2005, had completed his federal probation on February 23, 2006, thus terminating his rehabilitation order.

15. DISCUSSION/DECISION REGARDING APPLICATIONS FOR LICENSURE

- **REQUESTS FOR EXAMINATION**

Dr. Wiggins made a motion, seconded by Dr. Lovejoy, and unanimously carried (9-0), that the following applicants, having met the requirements of A.R.S. § 32-2071 and A.A.C. R4-26-203, be approved to sit for the Examination for Professional Practice in Psychology (EPPP), and for licensure upon receipt of a passing score on the Examination, and payment of the pro-rated original license fee:

- **Alan Baehr, Ph.D.**
- **Michael Christiansen, Ph.D.**
- **Sherri Gallagher, Ph.D.**
- **Jennifer Meckes, Psy.D.**
- **Nicole Robicheau, Psy.D.**
- **Ronald Summerhill, Psy.D.**

Dr. Wiggins then explained that **Jessica Matthes, Ph.D.** began her postdoctoral training at Barrows Neurological Institute with a supervisor who had not been licensed for two years, as required by the statutes. He raised the issue for discussion with the Board as to whether Dr. Matthes may have violated the statutes by practicing psychology without being licensed or exempt from licensure, given that her postdoctoral supervisor had not been licensed for two years. After some discussion, a motion was made by Dr. Wiggins, seconded by Dr. Mellott, and unanimously carried (9-0), to move into Executive Session for the purpose of obtaining confidential legal advice from the Board's attorney.

Upon return to regular session, Dr. Lovejoy made a motion, seconded by Dr. Santos de Barona, and unanimously carried (9-0), to approve the application of Jessica Matthes, Ph.D. to sit for the Examination for Professional Practice in Psychology (EPPP), and for licensure upon receipt of a passing score on the Examination and payment of the pro-rated original license fee. Dr. Lovejoy then asked that the Legislative/Rules Committee discuss amending A.R.S. § 32-2075(A)(6) to make it clearer that post-doctoral supervisors need to be licensed for two years prior to beginning supervision. It was the consensus of the Board to direct staff to note this issue in the next newsletter, informing licensees and applicants that postdoctoral supervisors should be licensed for at least two years before beginning supervision.

Dr. Wiggins next made a motion, seconded by Dr. Mellott, and unanimously carried (9-0), that the application of **Fred Vanhooose, Ph.D.**, be denied on the grounds that he had failed to demonstrate to the Board's satisfaction that he "Has met the education and training qualifications for licensure prescribed in section 32-2071 or subsection B of this section," as required by A.R.S. § 32-2071.01(A)(1), in that he failed to provide evidence that his seminar course in Social Psychology and Personality Theory was an in-depth study devoted to the social basis of behavior core area, as required by A.R.S. § 32-2071(A)(4)(e) and A.A.C. R4-26-202(G).

➤ **REQUEST FOR LICENSURE**

Dr. Wiggins then made a motion, seconded by Dr. Lovejoy, and unanimously carried (9-0), that **Lorenzo Azzi, Ph.D.**, having met the requirements of A.R.S. § 32-2071.01(A), be approved for licensure upon payment of the pro-rated original license fee.

➤ **RATIFICATION OF LICENSE ISSUED BY CREDENTIAL**

Dr. Wiggins made another motion, seconded by Dr. Lovejoy, and carried (8-0-1), with Dr. Mellott abstaining, to ratify the approval of the following applicants to re-take the EPPP:

- **Felicia Bleecker, Psy.D.**
- **Demetria Brown, Psy.D.**
- **Winona Considine, Psy.D.**
- **Marlee Hoffman, Ph.D.**
- **Brenda Sparrold, Ph.D.**

Dr. Wiggins then announced that the following applications remained ongoing:

- **Melissa Bailey Arizpe, Psy.D.**
- **Jill Baillio, Ph.D.**
- **Marilyn Cabay, Ph.D.**
- **Ariel Coyote, Psy.D.**
- **Sandra Dannenbaum, Ph.D.**
- **Tina Randall, Psy.D.**
- **Lynette Small, Ph.D.**

16. ADJOURNMENT

There being no further business to come before the Board, a motion was made by Dr. Paul, seconded by Dr. Lovejoy, and unanimously carried (8-0-1), with Dr. Santos de Barona no longer present, to adjourn the meeting at 4:28 p.m.

Prepared by:

**Marcus Harvey
Deputy Director**

Respectfully submitted,

**/s/ Gary D. Lovejoy, Ph.D.
Secretary**